

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

***HEIDI EVERTS, Individually and as
Executrix of
the Estate of TIMOTHY EVERTS***

Civil Action No.:
5:01-CV-0383 (DAP)

Plaintiff,

vs.

ACTION 1

ALTEC INDUSTRIES, INC.

Defendant.

ALTEC INDUSTRIES, INC.

Third-Party Plaintiff,

vs.

**THIRD-PARTY
DEFENDANT'S
PRE-TRIAL WITNESS
DISCLOSURE**

NIAGARA MOHAWK POWER CORPORATION

ACTION 2

Third-Party Defendant.

Third-Party Defendant, Niagara Mohawk Power Corporation ("Niagara Mohawk"), submits the following as and for its Pre-Trial Witness Disclosure in the above matter:

In addition to the witnesses disclosed by the Plaintiff and the Defendant in this matter, Third-Party Defendant, Niagara Mohawk, may call Howard Prosser as a witness.

Dated: October 21, 2004

s/ Timothy J. Fennell, Esq.

TIMOTHY J. FENNELL, ESQ.

Bar Roll No.: 101631

Amdursky, Pelky, Fennell & Wallen, P.C.

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**CERTIFICATE OF
SERVICE**

NIAGARA MOHAWK POWER CORPORATION

ACTION 2

Third-Party Defendant.

I hereby certify that on October 21, 2004, I electronically filed Third-Party Defendant, Niagara Mohawk Power Corporation's, Pre-Trial Witness Disclosure with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

SAMUEL A. CHERRY, ESQ.
scherry@cochranfirm.com

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And, I hereby certify that I have mailed by the United States Post Service,
the documents listed to the following non-CM/ECF participant:

John A. DeFrancisco, Esq.
DeFrancisco Law Firm
121 East Water Street
Syracuse, New York 13202

Dated: October 21, 2004

s/ Timothy J. Fennell, Esq.

Timothy J. Fennell, Esq.
Bar Roll No.: 101631